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## Notice of Intent to Adopt a Rule

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### TITLE 10 OFFICE OF ATTORNEY GENERAL FOR THE STATE

LSA Document #02-5

Under IC 4-22-2-23, the Office of Attorney General for the State intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 10 IAC 1.5, governing unclaimed property, to comply with statutory amendments. Designates annual deadlines for filing reports of property presumed abandoned, as required under IC 32-9-1.5-26, subject to any statutory provisions providing otherwise. Adds definitions of several categories of holders of unclaimed property. Makes other substantive and technical changes. Comments on the proposed rule may be sent to: Office of the Attorney General - Unclaimed Property Division, 402 West Washington Street, Indianapolis, Indiana 46204-2770. Statutory authority: IC 32-9-1.5-3.

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### TITLE 11 CONSUMER PROTECTION DIVISION OF THE OFFICE OF THE ATTORNEY GENERAL

LSA Document #02-18

Under IC 4-22-2-23, the Consumer Protection Division of the Office of the Attorney General intends to adopt a rule concerning the following:

**OVERVIEW:** Will amend 11 IAC to develop procedures to ensure and maintain the accuracy of the telephone privacy list. Public comments are invited and may be directed to the Office of the Attorney General, Attention: Brent Embrey, Director of Telephone Privacy, Indiana Government Center-South, Fifth Floor, 402 West Washington Street, Indianapolis, Indiana 46204 or by electronic mail to [bembrey@atg.state.in.us](mailto:bembrey@atg.state.in.us). Statutory authority: IC 24-4.7-3-7; IC 4-6-9-8.

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### TITLE 11 CONSUMER PROTECTION DIVISION OF THE OFFICE OF THE ATTORNEY GENERAL

LSA Document #02-19

Under IC 4-22-2-23, the Consumer Protection Division of the Office of the Attorney General intends to adopt a rule concerning the following:

**OVERVIEW:** Will amend 11 IAC to establish a rule relating to telephone solicitations to numbers on the telephone privacy list when there is a change in area code. Public comments are invited and may be directed to the Office of the Attorney General, Attention: Brent Embrey, Director of Telephone Privacy, Indiana Government Center-South, Fifth Floor, 402

West Washington Street, Indianapolis, Indiana 46204 or by electronic mail to [bembrey@atg.state.in.us](mailto:bembrey@atg.state.in.us). Statutory authority: IC 24-4.7-3-7; IC 4-6-9-8.

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### TITLE 31 STATE PERSONNEL DEPARTMENT

LSA Document #02-10

Under IC 4-22-2-23, the State Personnel Department intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 31 IAC 1-9-3, 31 IAC 1-9-4, 31 IAC 1-9-4.5, 31 IAC 2-11-3, 31 IAC 2-11-4, and 31 IAC 2-11-4.5 to reference the new leave conversion into deferred compensation plan. Amends 31 IAC 4 to address the affect of the new deferred compensation plan on the existing leave conversion at retirement plan. Adds 31 IAC 5 to implement SECTION 5 of P.L.184-2001 by providing for the conversion of excess leave into a monetary contribution to the defined contribution deferred compensation plan. Comments may be submitted to Brian Keith Beesley, State Personnel Department, Room W161, 402 West Washington Street, Indianapolis, Indiana 46204. Statutory authority: IC 4-15-1.8-6; IC 4-15-1.8-7; IC 4-15-2-6; IC 4-15-2-29; IC 5-10-1.1-7.5; IC 5-10-12-3.

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### TITLE 52 INDIANA BOARD OF TAX REVIEW

LSA Document #02-17

Under IC 4-22-2-23, the Indiana Board of Tax Review intends to adopt a rule concerning the following:

**OVERVIEW:** Under IC 6-1.5-6-1, the Indiana Board of Tax Review intends to adopt rules to govern the practice of representatives in proceedings before the Indiana Board of Tax Review. The Board intends for these new rules to replace the existing provisions of 50 IAC 17 by revising, editing, deleting, adding, or otherwise amending the existing rules, as it determines necessary or desirable in light of the changes made by Public Law 198-2001. Repeals 50 IAC 17. The Indiana Board of Tax Review invites written suggestions, facts, arguments, or views in these matters. Questions or comments may be directed to Bill Waltz, Commissioner, Indiana Board of Tax Review, at 232-3783.

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### TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #01-444

Under IC 4-22-2-23, the Natural Resources Commission intends to adopt a rule concerning the following:

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**OVERVIEW:** Amends 312 IAC 9-10-11 that governs nuisance wild animal control. Establishes examination requirements before a person can lawfully assist another with the capture, possession, and release of a nuisance wild animal. Establishes requirements for periodic reexamination or for the completion of continuing education. Minimum standards are provided for measures to control, treat, or euthanize a wild animal. Identifies causes for which a permit can be suspended or revoked. Questions or comments concerning the proposed amendments may be directed to the following telephone number: (317) 233-3322 or e-mail: slucas@dnr.state.in.us. Statutory authority: IC 14-22-2-6; IC 14-22-28.

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### TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #02-2

Under IC 4-22-2-23, the Natural Resources Commission intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 312 IAC 3-1 that governs adjudicatory procedures in the natural resources commission and its division of hearings. The amendments would incorporate and coordinate responsibilities of the division of hearings with respect to the Indiana registration board of soil scientists. Questions concerning the proposed rule amendments may be directed to the following telephone number: (317) 233-3322 or e-mail address slucas@dnr.state.in.us. Statutory authority: IC 14-10-2-4 (and IC 25-31.5-3-8).

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### TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #02-13

Under IC 4-22-2-23, the Office of the Secretary of Family and Social Services intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 405 IAC 1-14.6 to revise the case mix reimbursement methodology that the Medicaid program utilizes to reimburse nursing facilities by requiring Medicare certification as a condition of Medicaid enrollment; removing from consideration as allowable cost indirect costs associated with ancillary services provided to non-Medicaid residents; reducing the profit add-on payments; establishing a minimum occupancy parameter for the direct care, indirect care, and administrative rate components; providing for rebasing of Medicaid payment rates on a biannual basis, rather than annually; and adding a provision that any state-imposed provider fee is considered an allowable cost. Statutory authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-21-3(2).

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### TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #02-14

Under IC 4-22-2-23, the Office of the Secretary of Family and Social Services intends to adopt a rule concerning the following:

**OVERVIEW:** Revises 405 IAC 5-4 to add a requirement that nursing facilities must be certified to participate in the Medicare program in order to be enrolled in the Medicaid program. Statutory authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-11-5; IC 12-15-21-2.

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### TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #02-15

Under IC 4-22-2-23, the Office of the Secretary of Family and Social Services intends to adopt a rule concerning the following:

**OVERVIEW:** Adds a provision to 405 IAC 1 to implement a nursing facility provider fee. Statutory authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2.

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### TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #02-16

Under IC 4-22-2-23, the Office of the Secretary of Family and Social Services intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 405 IAC 1-12 to revise the reimbursement methodology that the Medicaid program utilizes to reimburse nonstate-owned intermediate care facilities for the mentally retarded (ICFs/MR) and community residential facilities for the mentally retarded (CRFs/DD) such that rebasing of Medicaid payment rates will occur on a biannual basis, rather than annually. Makes other technical nonsubstantive changes to remove outdated language and references to repealed provisions and to conform with federal and state statute and regulation. Statutory authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-21-3(2).

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## Notice of Intent to Adopt a Rule

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### TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

LSA Document #02-6

Under IC 4-22-2-23, the Indiana State Department of Health intends to adopt a rule concerning the following:

**OVERVIEW:** This rule will update and clarify the requirements pertaining to the design, construction, installation, maintenance, and operation of commercial and residential on-site sewage disposal systems. Written comments may be submitted to the Indiana State Department of Health, Attention: Sanitary Engineering, 2 North Meridian Street, Indianapolis, Indiana 46204. Statutory authority: IC 16-19-3-5.

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### TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES

LSA Document #02-9

Under IC 4-22-2-23, the Division of Disability, Aging, and Rehabilitative Services intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 460 IAC 2-3-1, 460 IAC 2-3-2, and 460 IAC 2-3-3 to offer additional criteria that may be fulfilled to receive state interpreter certification, extends the deadline by which certain criteria must be met to become certified, and adds relevant definitions. It will become effective 30 days after filing with the secretary of state. Statutory authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-12-7-5.

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### TITLE 515 PROFESSIONAL STANDARDS BOARD

LSA Document #02-7

Under IC 4-22-2-23, the Professional Standards Board intends to adopt a rule concerning the following:

**OVERVIEW:** 515 IAC 3 to establish the teacher preparation program effective July 1, 2002. Public comments are invited and may be directed to the Indiana Professional Standards Board, Attention: Legal Affairs, 101 West Ohio Street, Suite 300, Indianapolis, Indiana 46204 or by e-mail [jsmith@psb.state.in.us](mailto:jsmith@psb.state.in.us). Statutory authority: IC 20-1-1.4-7; IC 20-6.1-3-11.

### TITLE 515 PROFESSIONAL STANDARDS BOARD

LSA Document #02-8

Under IC 4-22-2-23, the Professional Standards Board intends to adopt a rule concerning the following:

**OVERVIEW:** 515 IAC 4 to establish the beginning teacher assessment program (aka teacher induction program) effective July 1, 2002. Public comments are invited and may be directed to the Indiana Professional Standards Board, Attention: Legal Affairs, 101 West Ohio Street, Suite 300, Indianapolis, Indiana 46204 or by e-mail [jsmith@psb.state.in.us](mailto:jsmith@psb.state.in.us). Statutory authority: IC 20-1-1.4-7; IC 20-6.1-3-11.

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### TITLE 760 DEPARTMENT OF INSURANCE

LSA Document #02-22

Under IC 4-22-2-23, the Department of Insurance intends to adopt a rule concerning the following:

**OVERVIEW:** The department intends to amend 760 IAC 1-21 regarding the manner of determination and the calculation of the surcharge for health care providers other than hospitals and physicians; and the manner of determination and the calculation of surcharge for health providers that establish financial responsibility in a way other than by a policy of malpractice liability insurance. Written comments may be submitted to the Indiana Department of Insurance, Attention: Amy Strati, 311 West Washington Street, Suite 300, Indianapolis, Indiana 46204 or e-mail to [astrati@doi.state.in.us](mailto:astrati@doi.state.in.us). Statutory authority: IC 34-18-5-2; IC 34-18-5-4.

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### TITLE 760 DEPARTMENT OF INSURANCE

LSA Document #02-23

Under IC 4-22-2-23, the Department of Insurance intends to adopt a rule concerning the following:

**OVERVIEW:** The department intends to amend 760 IAC 1-50 to conform with HEA 1674. Written comments may be submitted to the Indiana Department of Insurance, Attention: Amy Strati, 311 West Washington Street, Suite 300, Indianapolis, Indiana 46204 or e-mail to [astrati@doi.state.in.us](mailto:astrati@doi.state.in.us). Statutory authority: IC 27-1-15.7-4(e); IC 27-1-15.7-7.

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## Notice of Intent to Adopt a Rule

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### **TITLE 762 INDIANA POLITICAL SUBDIVISION RISK MANAGEMENT COMMISSION**

LSA Document #02-24

Under IC 4-22-2-23, the Indiana Political Subdivision Risk Management Commission intends to adopt a rule concerning the following:

**OVERVIEW:** To address member requirements and procedures, withdrawals by members, procedures for charges to members, including payment and collection thereof, and to otherwise implement IC 27-1-29 and IC 27-1-29.1. Written comments may be submitted to Amy Strati, Indiana Department of Insurance, 311 West Washington Street, Suite 300, Indianapolis, Indiana 46204 or e-mail to astrati@doi.state.in.us. Statutory authority: IC 27-1-29-16; IC 27-1-29.1-20.

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### **TITLE 804 BOARD OF REGISTRATION FOR ARCHITECTS AND LANDSCAPE ARCHITECTS**

LSA Document #02-20

Under IC 4-22-2-23, the Board of Registration for Architects and Landscape Architects intends to adopt a rule concerning the following:

**OVERVIEW:** Revise the fees charged and collected by the board of registration for architects and landscape architects. Questions or comments concerning the proposed rules may be directed to: Indiana Professional Licensing Agency, Attention: Staff Counsel, 302 West Washington Street, Room E034, Indianapolis, Indiana 46204-2700. Statutory authority: IC 25-1-8-2; IC 25-4-1-3; IC 25-4-2.

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### **TITLE 836 INDIANA EMERGENCY MEDICAL SERVICES COMMISSION**

LSA Document #02-3

Under IC 4-22-2-23, the Indiana Emergency Medical Services Commission intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 836 IAC 2 and 836 IAC 4 and adds 836 IAC 2-7.2, 836 IAC 4-6.1, and 836 IAC 4-7.1 regarding the certification and training requirements for advanced emergency medical technician intermediate personnel and providers.

Questions or comments on the adoption may be directed by mail to the Indiana Emergency Medical Services Commission, Indiana Government Center-South, 302 West Washington Street, Room E208, Indianapolis, Indiana 46204 or by electronic mail to rstump@sema.state.in.us. Statutory authority: IC 16-31-2-7; IC 16-31-3-20.

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### **TITLE 844 MEDICAL LICENSING BOARD OF INDIANA**

LSA Document #02-12

Under IC 4-22-2-23, the Medical Licensing Board of Indiana intends to adopt a rule concerning the following:

**OVERVIEW:** Adds 844 IAC 4-4.5 concerning requirements for licensure to practice medicine or osteopathic medicine. Adds 844 IAC 4-6-2.1 concerning mandatory renewal notice. Repeals 844 IAC 4-1-1, 844 IAC 4-4.1-1, 844 IAC 4-4.1-2, 844 IAC 4-4.1-3.1, 844 IAC 4-4.1-4.1, 844 IAC 4-4.1-5, 844 IAC 4-4.1-6, 844 IAC 4-4.1-7, 844 IAC 4-4.1-8, 844 IAC 4-4.1-9, 844 IAC 4-4.1-10, 844 IAC 4-4.1-11, 844 IAC 4-5-1, 844 IAC 4-6-2, 844 IAC 4-6-5, 844 IAC 4-6-8, and 844 IAC 4-7-5. Effective 30 days after filing with the secretary of state. Public comments are invited and may be directed to the Medical Licensing Board of Indiana, Attention: General Counsel, 402 West Washington Street, Room W041, Indianapolis, Indiana 46204 or by email to bmcnutt@hpb.state.in.us. Statutory authority: IC 25-22.5-2-7.

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### **TITLE 864 STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS**

LSA Document #02-21

Under IC 4-22-2-23, the State Board of Registration for Professional Engineers intends to adopt a rule concerning the following:

**OVERVIEW:** To establish the requirements for a business to practice or offer to practice engineering in Indiana. Questions or comments concerning the proposed rules may be directed to: Indiana Professional Licensing Agency, Attention: Staff Counsel, 302 West Washington Street, Room E034, Indianapolis, Indiana 46204-2700. Statutory authority: IC 25-31-1-7; IC 25-31-1-8; IC 25-31-1-18.